IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Fluxo-Cane Overseas Ltd.,) Case No. 08
Plaintiff,)
V.)
E.D. & F. Man Sugar Inc.,))
Defendant	,))

ATTORNEY AFFIDAVIT THAT <u>DEFENDANT CANNOT BE FOUND IN THE DISTRICT</u>

This affidavit is executed by the attorney for the Plaintiff, Fluxo-Cane Overseas, Ltd., in order to secure the issuance of a Summons and Process of attachment in the above-entitled proceeding.

Bryant E. Gardner, being first duly sworn, deposes and states:

I am an associate with the law firm of Winston & Strawn LLP, representing Plaintiff Fluxo-Cane Overseas Ltd. in this case.

I have personally inquired or have directed inquiries into the presence of the Defendant E.D. & F. Man Sugar Inc. in this District.

I have personally searched through the Maryland Department of Assessments and Taxation website and have determined that, as of February 8, 2008, the Defendant is not incorporated pursuant to the laws of Maryland, is not qualified to conduct business in Maryland,

and has not nominated agents for service of process in Maryland because the Department has no records for Defendant.

I have inquired of the Verizon Telephone Company whether the Defendant can be located within this District. The Verizon Telephone Company has advised me that the Defendant does not have any telephone number listing within this District.

I have further consulted several other telephone directories on the Internet and I have found no separate telephone or address listing for Defendant in this District.

I have further made several searches of the Internet and can find no indication that Defendant can be found within this District.

I have been able to determine that the Defendant E.D. & F. Man Sugar Inc. has an office in Miami, Florida and is incorporated in Delaware and have found no indication that Defendant can be found within this district or has sufficient contacts with this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty and Maritime Claims, is a resident in the State of Maryland, or has an agent in the State of Maryland sufficient to defeat civil attachment pursuant to Maryland Statute 3-303(b)(2).

It is my belief, based upon my own investigation, that Defendant E.D. & F. Man Sugar Inc. cannot be found within this District for purposes of Rule B of the Supplemental Rules for Admiralty and Maritime Claims and is neither a resident of the State of Maryland nor has an agent in the State of Maryland for purposes of civil attachment pursuant to Maryland Statute 3-303(b)(2).

Dated: February 8, 2008

Bryant E. Gardner
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, DC 20006
(202) 282-5821
(202) 282-5100 (Facsimile)

Subscribed and sworn to before me this 8th day of February 2008.

Notary Public

Stephanie Riggs Notary Public, District of Columbia My Commission Expires 02/28/2011